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Christine Kierzek
Christine Kierzek

Date: April 14, 2003

#7/Election
V. Brown
4/28/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/904,634

Examiner: D. S. Larkin

Filing Date: 07/13/2001

Group Art Unit: 2856

Inventor: Ami Chand et al.

For: **METHOD AND APPARATUS FOR MANIPULATING A SAMPLE**

Attorney Docket No. 528.078

REPLY TO RESTRICTION REQUIREMENT

Director of the U.S. Patent
and Trademark Office
Washington, DC 20231

Sir:

In the Office Action dated March 12, 2003, the Examiner restricted the claims of the present case into a plurality of distinct species defined according to passages of the specification, not the claims themselves. Applicant provisionally elects the invention in the fourth paragraph of Paragraph 1 of the restriction requirement which sets forth "A scanning probe microscope having the specific cantilever disclosed on page 4, text lines 24 and 25 through page 5, lines text 1-5." Applicant makes this election with traverse.

Applicant disagrees with the Examiner to the extent that the claims define a generic claim, Claim 9. Notably, Claim 9 corresponds to the elected invention. Claim 9 defines a cantilever having two tips mounted substantially perpendicularly to the longitudinal axis of the cantilever. The other claims that further/alternately define the invention associated with claim 9, and thus should be examined in conjunction therewith, include Claims 10-17 dependent from Claim 9, and independent species Claims 1, 18 and 71, as well as their corresponding dependent claims, 2-7 (1) and 19 (18), respectively. In particular, in addition to the cantilever and two tips

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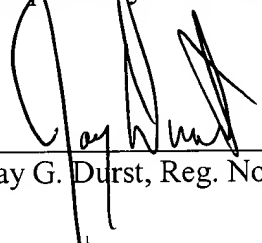
of Claim 9, Claim 1 defines that the tips can combine to form an imaging probe and the tips can separate to form a manipulation probe. Claim 18 defines a nanomechanical tweezing apparatus having a cantilever and two tips where the tips are mounted on first and second "cantilever portions," i.e., further defining the cantilever. Finally, Claim 71 defines a species of Claim 9 in that it defines a particular shape of the cantilever where the cantilever is defined by two arms that can be independently controlled with a respective actuating element. As such, these claims do not define distinct inventions.

In view of the above arguments, applicant contends that the above claims should be examined together with the claims of the elected group (corresponding to Claim 9), and respectfully requests an indication of the same.

Should the Examiner have any questions or comments, the Examiner is invited to contact the undersigned at the telephone number appearing below.

Although no fees are believed to be payable in connection with this communication, the Director is authorized to direct any additional fees associated with this or any other communication, or credit any overpayment, to Deposit Account 50-1170.

Respectfully submitted,



Jay G. Durst, Reg. No. 41,723

Dated: April 14, 2003

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<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>		Application Number	09/904,634
		Filing Date	07/13/2001
		First Named Inventor	Ami Chand et al.
		Group Art Unit	2856
		Examiner Name	D. S. Larkin
Total Number of Pages in This Submission		Attorney Docket Number	528.078

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply to Restriction Requirement <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
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Firm or Individual name	Jay G. Durst, Reg. No. 41/723 Boyle Fredrickson Newholm Stein & Gratz, S.C. 250 East Wisconsin Avenue, Suite 1030 Milwaukee, WI 53202		
Signature			
Date	4/14/03		

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